P.F. 23 of 95

G. R. S. IX-5]

Previous references. 1894-95

~~192~~

(L.R.)

File No. 112 of 95

Serial Nos. 1-7

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-7

Major ~~Part~~ B for August '95

SUBJECT.

~~Appeal of Rande Kesava Chan regarding Survey number 70~~ /
~~a land in Nettikere~~ Belur Taluk.
Cancelled a Lease of Tank Land
in Nettikere village, Belur Taluk.

Countermanded

Indexed

WD 2238- GPB—20,000—14-6-20

Appeal No 46 of 94-95.

Appellant
Dandekar and others

Respondent
Nationalised Bank

Appeal against cancellation of the grant of S. No. 7 of Belikere, Belur Taluk

List of papers.

(1) Deputy Commr's report
(2) Resumed hearing section 25 K. L. R.
(3) Appeal petition with enclosures
(4) Translation of Amildar's enquiry
(5) Official Memorandum.

Court are of opinion that there is no reason why the possession of Respondent Bank the landholders should not be disturbed and did not petition a longer time than ten days. Under the circumstances the Court recommends that the amount of the deposit paid in the first

V

Sale which had also been
set aside by 43-12-0
might be accepted and
the land given away to
Kesavachar - This recommendation
was accepted by the Dy Court
and Kesavachar paid
the money. On the day
this money was received
the present Counter Petr
offered to buy it for fifty
rupees. It is obvious that
this transaction with Kesavachar
had been properly concluded
and Sagavali chit also had
been granted thereon. Under
these circs it does not seem
to be proper or expedient to
disturb this possession. The
Dy Court's order is reversed
& the prayer of Kesavachar
is confirmed
25-7-15

Genl. Serial No. 32.] 3

1894

No. 6725

Name of Petitioner

Village

Taluk.

District.

Date of Arzi. 20-8-94.

Date of Receipt 22-8-94.

Date of Disposal

No. of Enclosures.

ABSTRACT.

3. That he has spent a good deal on the said land & this is known to all.

4. That the said Gulab has planted the same on the year Kharif.

5. That the Suit has been filed on 4-7-94.

6. That the sale has not been done to the detriment of the plaintiff in case of holding between the time of the execution of the deed & the sale.

7. That there is a difference of two months between the date of execution & cancelling of the deed.

Prays that for the above reasons the Hon'ble Court may be pleased

[illegible] 1/8.

No. 637 Pet

8-11-94

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1026
dated 10th Oct 94 received at the
Dewan's Office from Dande Kasarachar

Of Belur appealing against the order
of the Deputy Commr cancelling a sanad
that issued to him and directing the resale
of land D. No 70 of Nittakere village
is forwarded, together with its 4,
enclosures, to the Deputy Commissioner
Hassan District for submission
of the proceedings together with a
report on the facts of the case and on
the points urged in the petition
The Petition should be returned
with its enclosures

L.R. 112 95-3

By Order,

Dsafe

BANGALORE,
30-10 1894.
8/11.
Commissioner

Chief Secretary.

3/11/94

Dsafe
2/11

2/11

Mr Rand.

Please put up abstract of previous papers

With 24/10 [illegible] 96

LR 112-95-2

(31)

Gen. Serial No. 32.]

189

No. 1026

Name of Petitioner. Daud Kesavachar

Village.
Taluk. } Belur

District. Kadur

Date of Arzi. 10-10-96

Date of Receipt. 19-10-96

Date of Disposal.

No. of Enclosures. 2+1

Submitted to Council

Stamp duty deficient

Applicant was verbally directed to pay the deficiency & he promised to do so

Granted and it was sent to Revenue Department on 19-10-96

Returned to Deputy Commissioner

Abstract.

Petition referred & endorsement No 623 dated 20th Sept 96, recommending the petition with additional stamp of one rupee affixed to the petition

20/10

Gen. Serial No. 32.]

189

No.

Name of Petitioner.

Village.

Taluk.

District.

Date of

Date of Receipt.

Date of Disposal.

Enclosures.

ABSTRACT.

2. That the Taluq Authorities directed the putting up of the land to Auction according to rules, as there was a tree in the land.

3. That the land was accordingly put up to Auction on the 2nd of May 1893.

4. That after the said sale, it was found that there was material irregularity in conducting the sale, in as much as the land was not sold on the date fixed in the sale proclamation.

5. That Consequently the aforesaid sale was cancelled on account of the aforesaid irregularity; ~~and that~~ the ~~the~~ Shekdar who held the sale was fined, & that a resale was ordered.

6. That there was accordingly a resale of the land on the 27th of July 1893; and that the said sale was regularly held and conducted.

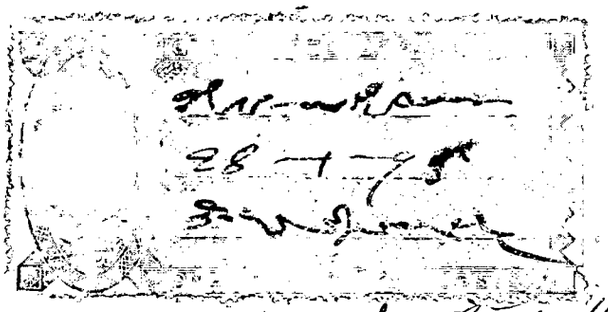
7. That in the aforesaid sale your Petitioner was the highest bidder & that the amount of his bid was one rupee.

8 That on the very same day

29-1-95

10

(2)



No 1970

One rupee Stamp affixed

In the Court of the Dewan of Mysore

Review Petition No 2
1894-95

Petitioner:— Thanday Reddy
Char of Beloor,
Kolar District.

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
RES'D. NO. 1970
DATE 29-1-95

In the matter of the aforesaid Petitioners Petition dated the 10th of October 1894, touched Endorsement No: 1026 dated 30th of October 1894 has been sent to him informing him that his Petition has been sent to the Deputy Commissioner of Kolar for report, the Petitioner most respectfully begs to state the following as supplement to his aforesaid petition.

1. That on the 10th of April 1883, the Petitioner applied for a waste land bearing survey No: 70, situate in Nellay Kray, Thapary Hobli, Beloor Taluq

Another land bearing Survey No: 30
situate in the same village was
also sold; that one Nammalwar
Iyengar the Chairbearer of the
village was the highest bidder;
and that the Amount of his bid
was also one rupee.

9. That the sale of the land
bearing Survey No: 30 was confirmed,
that the Sanad duly Chit for the
said land was granted to the
Chairbearer; and that the land
was absolut in his possession.

10. That as regards Survey No: 70
which was bought by the Petitioner
the proceedings were unfortunately
for him very dilatory; and
that although there was absolutely
no illegality or irregularity
in Conducting or publishing
the sale, no steps were taken
in the Taluq Office for Confirming
the sale of the land and putting him
in possession of the Petitioner.

11. That some days afterwards

15. That there was again delay in the Taluq Office in issuing Sajawaly Chit to the Petitioner; and that in the meanwhile, on 15th December 1893, the aforesaid Thimmay Gowda put in his Petition offering Rs 500— — for the land.

16. That the Taluq Authorities however gave Sajawaly Chit to the Petitioner and put him in possession of the land on the 19th December 1893.

17. That the Petitioner cultivated the land at a considerable Expence; and that on the further complaint of the aforesaid Thimmay Gowda the Sajawaly Chit which had been granted to the Petitioner was cancelled, & that the sale of the land was ordered for the fourth time.

18. That this sale was held on the 4th June 1894 about 10 days after the issuing of the sale proclamation which was dated 24th May 1894.

19. That in this sale, which is illegal in every respect, the aforesaid Thimmay Gowda was announced as the purchaser of the land for Rs 60— —.

20 That your Petitioner is even now in possession of the land which he has rendered fit for cultivation and cultivated at a considerable Cost.

21. That the further sale proceedings held after the second sale in which

13/ one Prasaday Kutty Thimmayyan who is on amicable terms with the Petitioner offered Rs— more for the land; and that on his offer the said land was again sold for the 3rd time on the 19th of October 1893, when the Petitioner could not be present as he was engaged in Navarathray Ceremonies.

12. That the sale proceedings of the 19th October 1893 are illegal and irregular, as the previous sale to the Petitioner could not be and was not cancelled on account of any irregularity.

13. That subsequently your Petitioner represented this grievance to the Tahsildar, and offered to pay up Rs 43-12- (which was the amount of the highest bid in the very first sale which was cancelled) in case the landsare immediately, but in his discretion without any further sale proceedings.

14. That accordingly the Tahsildar directed the Petitioner to pay up the said amount which he paid on the 4th December 1893, deducting the rupee which he formerly paid on account of the second sale

put up official
memo no 1119 dated 4 January
94 to Dy Comm Kolar
with other papers, if any,

18/3

memo is put up.

Gen. Serial No. 30.]

16

(6) 11638.

1894 95.

Pet 489

From

The Deputy Commissioner
Kolar District

To

LR. III - 955

The Chief Secretary to the
Dewan of Mysore.

Dated 7th
Despatched "
Received

March 1895.

Enclosures No. 1 & 1 Vernacular file.

General No. 615
No. 8

In reply to Official Memorandum
No: Pet-637 dated 30th October 1894.

SUBJECT.

Submitting Proceedings together with a report of the circumstances under which the Sagwali chit granted to Bales Dandé Kesaradhar for survey No: 70 of Nellikere village was cancelled.

DR Commissioner

References—(to be entered only in the Dewan's Office).

Pet Book 1893

Recd. 11/3

Js

submitted for orders
2nd Councillor.

Dy Comm^r's report
& the amildar's
statement & petitioner
translation is put up)
the facts of the
case

MN. 25/6/95

file placed in my hands.
25/6/95)

O.C.

Post for hearing
in the usual course
& print notices to
all concerned

MNS
28/6/95

Posted 624 Jul
Notices & Summons
Issued
28/6/95

No 615.
Enc: 1 & 1 Verbiage.

Deputy Commissioner's Office
Hassan Dist
Dated Hassan the 7th March 18

From

The Deputy Commissioner
Hassan ~~District~~.

To

The Chief Secretary to the
Government of Mysore -

Sir,

With reference to Dewan's Office C
-cial Memo No. 637 dated 30th October 189
-warding for report a petition from Dan
Kesavachar of Belur, appealing against
Order of this Office cancelling a Sagrvah
issued to him and directing the resale of
Survey no: 70 of Nettikere village, I have
honour to submit that on the 10th April
Dande Kesavachar having applied for
land, a notification for the sale on the 4th
1893, was issued by the Amildar on which
the sale did not take place owing to the
having been otherwise engaged. Consequen
fresh notification was issued for the sale

your Petitioner was announced as the purchaser of the land for the rupees are clearly illegal; and that even now the aforesaid second sale of the land has not been cancelled.

22. That your Petitioner's offer to pay some amount to the Government in case the land was immediately sold in his protection against further sale proceedings, though duly accepted by the Authorities could not deprive him of the right to the land which vested in him in pursuance of the 2nd sale, in which he was duly announced as the purchaser of the land for one rupee.

23. That your M. Petitioner most respectfully says that while the sale of the other land bearing Survey No. 30 A was fixed at Rs. 30 for one rupee & the Chanbhoga was duly confirmed, there was no reason for not having confirmed the sale of the land in question which is assessed at Rs. 21 — being one of an inferior quality.

24. In the circumstances your Petitioner most respectfully prays that this Honorable Court may be pleased to set aside all the sale proceedings including the sale & Preliminary Order about 10 days after the issue of the sale proclamation, and subsequent to the sale of the land to your Petitioner; and that the sale of the land to your Petitioner for one rupee may be confirmed.

Bangalore 28th January 1933

Advocate for Petitioner

the 26th July 1893. For a similar reason the sale was held not on that date, but on the following day and one Perumal Iyengar purchased it for Rs 43-12-

2. The Amildar finding somewhat irregularity in the sale procedure, ordered a fresh notice to be issued for sale on the 28th August 1893, on which date the Lascars held and the Appellant Maude Ricaracher bought the land for Rupee one.

3.— Three days after this, Mari Iruma still presented a petition to the Amildar stating that he was not present at the time of sale, that the land was sold for a nominal price and that it should be resold when he would bid for a high amount.

4.— The Amildar considering the nominal price fetched at this sale issued another notification for selling the land on the 19th October 1893, on which date the land was sold and the petitioner Mari Iruma naik purchased it for Rs 65/-

5.— Sometime after this on the 1st November 1893, Maude Ricaracher petitioned to the Amildar

the appeal petition to this Office for disposa
with official memo No. 1119 dated 4th January 1894
and the same was forwarded to General Assistant
Commissioner, who after sending for the papers
and perusing them, was of opinion in his yad
No: 534 dated 24th March 1894, that the Amildar was
wrong in having given sagvali chit to Dande Ke-
-savachar as he knew well that there were several
applicants who were willing to bid high at the
sale and that as the Amildar acted against the
instructions of this Office, the land might be resold
taking mari Sirsima naiks offer of Rs 80/- as the
first bid.

9.— In reply the General Assistant Com-
-missioner was informed in this Office yadi no:
1382 dated 28th April 1894 that as mari Sirsima
naiks appeal was received in time under para
27 Rule 20 of the Land Revenue Rules, that as the
land was not put in possession of Dande Ke-
-savachar, there was no necessity to refer the
matter to Government as provided in para 29 of
the said rules and that it might be ordered to be
resold &c.

10.— In accordance with this order a
sale notification was issued and the land was

sold

Sold on the 4th June 1894 for Rs 62/- to Mari Timma naick.

11.— It has to be stated here that before the sale notice was issued, the land was lying fallow and when it was issued and proclaimed in the village, the appellant Dandé Kisavachar cultivated about 8 guntas of it with wild gingelly evidently hoping that it would be given away to others.

12.— The General Assistant Commissioner forwarded the sale proceedings to this office. After confirming the sale and cancelling the Sagvali that issued to Dandé Kisavachar, the General Assistant Commissioner was informed in this Office Yadi no: 629 dated 16th September 1894 that as Dandé Kesavachar had preferred an appeal to Government, the land should not be put in possession of the last purchaser till its disposal by Government.

13.— The entire Vernacular Proceedings together with appeal petition are herewith submitted.

I have the honour to be
Sir
your most obedient servant,

H. R. Commpell Esq
for Dy Commissioner
Hassan District.

Amildar that he was willing to pay Rs 43-12-a being the amount of sale held on the 26th July 1893, and that the land might be given to him on the ground that he was the first applicant for it.

6.— The Amildar forwarded this petition with previous papers with his report No: 878 dated 3rd November 1893 and solicited instructions on the matter. He was directed in this Office order No: 405 dated 22nd November 1893 — that the land might be given to Dandi Kasaraclar for the sum he offered if orders were to claim it up for a higher price. On this authority the Amildar received Rs 43-12-a from Dandi Kasaraclar and issued a Sanad to him on the 19th December 1893.

7.— On the 15th December 1893 Mastri Fatima Nair presented a petition to the Amildar that he would pay Rs 50/- for the land and that it should be granted to him. On this he was informed that orders having been received from the District Office that the land should be given to Dandi Kasaraclar, his request could not be complied with.

8.— Not satisfied with this order he preferred an appeal to Government, who forwarded the

L.R. 112-95 (9)b 22

Proceedings of the Govt of Bombay

Read:—

(1) Petition No 623/A.S.46, dated 20th August 1894, presented by Damle Ramchandra "Ramdas Belur", appealing against the order of the Deputy Commissioner, cancelling the grant to Petitioner of S.No 70 of Kettekur Belur Taluka, and directing a resale. at which petitioner could bid. Petitioner's pleader in the lower Court.

(2) Letter No 615, dated 4th March 1895, forwarding the above petition

(3) Proceedings connected with the case

—n—

No 1540 / Pet. 223-95 Dated 19th August 1895.

Order thereon.

Government are of opinion that there is

no reason to disturb the possession of Kannachar. The land had been sold more than once, and did not fetch a larger price than six Rupees. Under the Circumstances, the Amildar recommended that the amount of the highest bid in the first sale which had also been set aside, viz., Rs 43-12-0, might be accepted and the land given away to Kannachar. This recommendation was accepted by the Deputy Commissioner and Kannacha paid the money. On the day this money was received, the present Petitioner offered to buy the land for fifty Rupees

No. 623
A.S. 46

LR. 112-95-7

[illegible]

[illegible]

[illegible]

By Order

Draft

Revenue Secretary

R. Chelliah Esq.
Advocate for Petitioner

20-8-95

rupees. It is obvious that the transaction with Kesavachar had been properly concluded, and Sayavali Chit also had been granted to him. Under these circumstances, it does not seem to be proper or expedient to disturb his possession. The Deputy Commissioner's order is reversed and the possession of Kesavachar is confirmed.

Draft Commd Order

11/8/96

Revenue Secretary.

To The Deputy Commr Hassan District, with Records.

S.V. 31/7 B.R. 1/8